

REMARKS

The specification is amended to insert the serial number of the related application which was not available at the time of filing the present application.

Applicants respectfully take note of the lack of Examiner's initials next to the Melody Ann Williams article on sheet 3 of the PTO 1449 form provided. Applicants request confirmation the Melody Williams article was considered.

Independent claims 1, 11, and 15 are amended to include the limitations of dependent claims 2, 12, and 16 respectively which are themselves cancelled. The antecedent claim reference of claims 3, 13, and 17 are corrected to provide proper reference to amended claims 1, 11, and 15 respectively. No new matter is entered.

Claim 5 is amended to delete claiming implementing new business process.

Claims 1 - 18 stand rejected under 35 U.S.C. 102(b) as being anticipated by Sketch (US 2002/0077884). Applicants respectfully traverse this rejection for the following reasons.

With regard to now amended independent claims 1, 11, and 15, a learning solution context is required to be provided as a circular diagram having zones and an inner circular area defining a ratio of formal to informal learning. The Examiner

cites Sketch page 3, paragraphs 0032 - 0048. In paragraph 0044, self-study is denoted to be informal training. In paragraph 0045, Discussion group is denoted as an informal learning method. There is no other description or suggestion of formal or informal learning in the cited paragraphs. There is no description or suggestion of forming a ratio of formal to informal learning and no description or suggestion of providing a circular diagram having an inner circular area defining this ratio as required by applicants' independent claims 1, 11, and 15. Claims 1, 11, and 15 as presently amended are therefore allowable over Sketch.

All of the remaining claims depend directly or indirectly on allowable claims 1, 11, or 15 and are therefore also allowable for this reason alone.

In addition, claim 5 requires the solution components to comprise purpose/outcomes, measurement, technology/infrastructure, resources, and process. The purpose is required to be a business purpose comprising increasing sales or decreasing errors.

Figure 3 of Sketch is cited. However, Figure 3 has no description or suggestion of a business purpose comprising either increasing sales or decreasing errors as required by amended claim 5. Claim 5 is therefore also allowable for this reason.

In addition, claim 7 requires solution components to

comprise purpose/outcomes, measurement, technology/infrastructure, resources, and process. The measurement component must include calculating a return on investment for learner performance. Figure 5, paragraph 0010, lines 1 - 3, and paragraphs 0052 - 0053 are cited. Taking each separately, Figure 5 shows a course evaluation questionnaire. Paragraph 0010 describes facilitating employee feedback to increase the effectiveness of the learning solutions and also identifying and eliminating roadblocks. Neither of these citations describe or suggests measuring learner performance and most certainly do not describe calculating a return on investment for learner performance as required by claim 7.

The third citation, paragraphs 0052 - 0053 do describe an exam to determine the extent to which knowledge has been transferred from the learning solution to the employee. A delayed evaluation is given 3 to 6 months later to survey the extent to which the acquired skills have been applied on the job and the extent to which anticipated business results have been achieved. While some of this may be viewed as measuring learner performance, there is no description of calculating a return on investment for learner performance as required by claim 7. Return on investment is a well understood term in the business arts including methods for its calculation. Nowhere does Sketch mention calculating a return on investment or anything equivalent thereto. Claim 7 is therefore also allowable over Sketch for this reason.

In view of the above, applicants respectfully request

END920030144US1

10

10/729,761

withdrawal of the rejection under 35 U.S.C. 102(b) and allowance of all of the pending claims.

The Application is deemed in condition for allowance and such action by the Examiner is urged. Should differences remain, however, which do not place one/more of the remaining claims in condition for allowance, the Examiner is requested to phone the undersigned at the number provided below for the purpose of providing constructive assistance and suggestions in accordance with M.P.E.P. Sections 707, 707.07(d) and 707.07(j) in order that allowable claims can be presented, thereby placing the application in condition for allowance without further proceedings being necessary.

Respectfully submitted,

Dated: 04/27/06

By: John Pivnichny

John R. Pivnichny

Reg. No. 43,001

Telephone: (607)429-4358

Fax: (607)429-4119

END920030144US1

11

10/729,761